

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DARIO OLIVAS,

Case No. 2:14-CV-1801 JCM (VCF)

Plaintiff(s),

ORDER

V.

STATE OF NEVADA, ex rel,

Defendant(s).

Presently before the court is the May 19, 2017, opinion of the Ninth Circuit Court of Appeals reversing and remanding the judgment based upon the September 23, 2015, screening order dismissing the second amended complaint. *Olivas v. Nevada ex rel. Dep’t of Corr.*, 856 F.3d 1281 (9th Cir. 2017); *see also* (ECF Nos. 11, 14, 15).

Because “the screening requirement of 28 U.S.C. § 1915A does not apply to [plaintiff’s] claims,” the case will be reopened and the second amended complaint will be restored as the operative complaint. *Olivas*, 856 F.3d at 1284; *see also* (ECF No. 11).

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's second amended complaint (ECF No. 11) be, and the same hereby is, RESTORED as the operative complaint in this case.

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1 IT IS FURTHER ORDERED that, should plaintiff wish to further amend his complaint, he
2 shall submit a corresponding motion for leave to amend the complaint within thirty (30) days of
3 the date of this order.

4 DATED June 15, 2017.

Xenos C. Mahan
UNITED STATES DISTRICT JUDGE